

EXHIBIT A


VERIFICATION

STATE OF ARIZONA)
) ss.
County of Maricopa)

I, Mary G. Isban, being first duly sworn, upon my oath, depose and state:

1. I am counsel for Defendants IASIS Healthcare Corporation and IASIS Management Company.

2. I hereby declare that I have attached to the Notice of Removal a true and correct copy of all pleadings filed in Maricopa County Superior Court Case No. CV2015-003689 as of this date.



Mary G. Isban, Esq.

Attorney or Party without Attorney: Scott E. Dosek GRAIF BARRETT & MATURA P.C. 1850 North Central Avenue 500 Phoenix, AZ 85004 TELEPHONE No.: (602) 792-5700 Attorney for: Plaintiff			Ref No. or File No.: 3332-2		MICHAEL K. JEANES, CLERK RECEIVED OCH DOCUMENT DEPOSITORY 15 MAR 25 AM 8:24 FILED BY A. CORONA, DEP
Insert name of Court, and Judicial District and Branch Court: In MARICOPA COUNTY SUPERIOR COURT in and for the County of MARICOPA					
Plaintiff: DAVID G. COVERT, Defendant: IASIS HEALTHCARE CORPORATION, a Delaware corporation; et al.,					
CERTIFICATE OF SERVICE	HEARING DATE:	TIME:	DEPT.:	CASE NUMBER: CV2015-003689	

At the time of service I was at least 18 years of age and authorized to serve process in this case.

I served copies of the SUMMONS, COMPLAINT, CERTIFICATE OF ARBITRATION; PLAINTIFF'S DEMAND FOR JURY TRIAL


- a. Party served IASIS MANAGEMENT COMPANY THRU THEIR STATUTORY AGENT CT CORPORATION SYSTEM
- b. Person Served Gail Flock - Clerk
 Age: 55 yrs. Race: Caucasian Sex: Female Eyes: Brown Height: 5'5" Weight: 180 lbs. Hair: Gray

Address where served: 2390 E CAMELBACK ROAD
 PHOENIX, AZ 85016

5. I served the party

- a. I personally delivered the documents to the party or person authorized to receive service of process for the party (1) on: 3/20/2015 (2) at: 2:43 PM

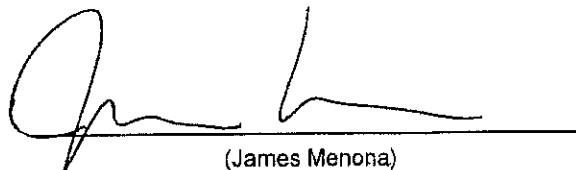
Person who served papers:

 Name: James Menona
 County of Maricopa County, 7790
 3150 N. 24TH STREET, D-104
 Phoenix, AZ 85016
 (602) 256.9700
 www.nationwideasap.com

The fee for service was: \$ 90.78

I declare under penalty of perjury under the laws of the State of Arizona that the foregoing is true and correct.

Date: March 24, 2015


 (James Menona)

137733

137733.3332-2

CERTIFICATE OF SERVICE

Attorney or Party without Attorney: Scott E. Dosek GRAIF BARRETT & MATURA P.C. 1850 North Central Avenue 500 Phoenix, AZ 85004 TELEPHONE No.: (602) 792-5700 Attorney for: Plaintiff				Ref No. or File No.: 3332-2	
Insert name of Court, and Judicial District and Branch Court: In MARICOPA COUNTY SUPERIOR COURT in and for the County of MARICOPA					
Plaintiff: DAVID G. COVERT, Defendant: IASIS HEALTHCARE CORPORATION, a Delaware corporation; et al.,					
CERTIFICATE OF SERVICE		HEARING DATE:	TIME:	DEPT.:	CASE NUMBER: CV2015-003689

MICHAEL K. JEANES, CLERK
 RECEIVED OCH
 DOCUMENT DEPOSITORY

15 MAR 25 AM 8:23

FILED
 BY A. CORONA, DEP

At the time of service I was at least 18 years of age and authorized to serve process in this case.

I served copies of the SUMMONS, COMPLAINT, CERTIFICATE OF ARBITRATION; PLAINTIFF'S DEMAND FOR JURY TRIAL

a. Party served IASIS HEALTHCARE CORPORATION THRU THEIR STATUTORY AGENT CT CORPORATION SYSTEM

b. Person Served Gail Flock - Clerk


Age: 55 yrs. Race: Caucasian Sex: Female Eyes: Brown Height: 5'5" Weight: 180 lbs. Hair: Gray

Address where served: 2390 E CAMELBACK ROAD
 PHOENIX, AZ 85016

5. I served the party

a. I personally delivered the documents to the party or person authorized to receive service of process for the party (1) on: 3/20/2015 (2) at: 2:43 PM

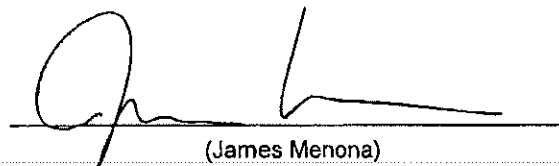
Person who served papers:

 Name: James Menona
 County of Maricopa County, 7790
 3150 N. 24TH STREET, D-104
 Phoenix, AZ 85016
 (602) 256.9700
 www.nationwideasap.com

The fee for service was: \$ 40.00

I declare under penalty of perjury under the laws of the State of Arizona that the foregoing is true and correct.

Date: March 24, 2015


 (James Menona)

137734

1 Scott E. Dosek, State Bar No. 012114
2 Amanda Taylor, State Bar No. 024006
3 Asha Sebastian, State Bar No. 28250
4 **GRAIF, BARRETT & MATURA, P.C.**
5 1850 North Central Avenue, Suite 500
6 Phoenix, Arizona 85004
7 Tel: (602) 792-5700
8 Fax: (602) 792-5710
9 E-mail: sdosek@gbmlawpc.com
10 ataylor@gbmlawpc.com
11 asebastian@gbmlawpc.com

12 *Attorneys for Plaintiff*

MICHAEL K. JEANES, CLERK
RECEIVED OCH
DOCUMENT DEPOSITORY
15 MAR 25 AM 8:23

FILED
BY A. CORONA, DEP

ORIGINAL

13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
SUPERIOR COURT OF THE STATE OF ARIZONA
FOR THE COUNTY OF MARICOPA

DAVID G. COVERT,

Plaintiff,

vs.

IASIS HEALTHCARE CORPORATION, a If you would like legal advice from a lawyer,
Delaware corporation, IASIS contact the Lawyer Referral Service at
MANAGEMENT COMPANY, a Delaware 602-257-4434
corporation,

Defendants.

SUMMONS

or
www.maricopalawyers.org
Sponsored by the
Maricopa County Bar Association

THE STATE OF ARIZONA TO THE DEFENDANT:

IASIS HEALTHCARE CORPORATION,
a Delaware corporation
c/o CT CORPORATION SYSTEM
2390 E. Camelback Rd.
Phoenix, AZ 85016

YOU ARE HEREBY SUMMONED and required to appear and defend, within the
time applicable, in this action in this Court. If served within Arizona, you shall appear
and defend within twenty (20) days after the service of the Summons and Complaint upon
you, exclusive of the day of service. If served out of the State of Arizona, whether by
direct service, by registered or certified mail, or by publication, you shall appear and
defend within thirty (30) days after the service of the Summons and Complaint upon you
is complete, exclusive of the day of service. Where process is served upon the Arizona

1 Director of Insurance as an insurer's attorney to receive service of legal process against it
2 in this state, the insurer shall not be required to appear, answer or plead until expiration of
3 forty (40) days after date of such service upon the Director. Service by registered or
4 certified mail out of the State of Arizona is complete thirty (30) days after the date of
5 filing the receipt and affidavit of service with the Court. Service by publication is
6 complete thirty (30) days after the date of first publication. Direct service is complete
7 when made. Service upon the Arizona Motor Vehicle Superintendent is complete thirty
8 (30) days after filing the Affidavit of Compliance and return receipt or Officer's Return.
9 Rule 4, Ariz. R. Civ. P.; A.R.S. §§20-222, 28-502, and 28-503.

10 YOU ARE HEREBY NOTIFIED that in case of your failure to appear and defend
11 within the time applicable, judgment by default may be rendered against you for the relief
12 demanded in the Complaint.

13 YOU ARE CAUTIONED that in order to appear and defend, you must file an
14 Answer or proper response in writing with the Clerk of this Court, accompanied by the
15 necessary filing fee, within the time required, and you are required to serve a copy of any
16 Answer or response upon the Plaintiffs' attorney. Rules 5 and 10(d), Ariz. R. Civ. P.;
17 A.R.S. §12-311.

18 THE NAME AND ADDRESS of Plaintiff's attorneys are:

19 Scott E. Dosek
20 Amanda Taylor
21 Asha Sebastian
22 Graif Barrett & Matura, P.C.
23 1850 N. Central Avenue, Suite 500
24 Phoenix, Arizona 85004
25 (602) 792-5700

26 ///

27 ///

28 ///

///

///

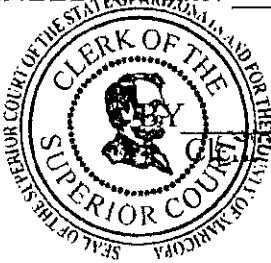
28 ///

1 Requests for reasonable accommodation for persons with disabilities must be made
2 to the division assigned to the case by parties at least 3 judicial days in advance of
3 a scheduled court proceeding.

MAR 18 2015

MICHAEL K. JEANES, CLERK

SIGNED AND SEALED this date: _____



A. Driver
Deputy Clerk

4818-4725-2770, v. 1

1 Scott E. Dosek, State Bar No. 012114
2 Amanda Taylor, State Bar No. 024006
3 Asha Sebastian, State Bar No. 28250
4 **GRAIF, BARRETT & MATURA, P.C.**
5 1850 North Central Avenue, Suite 500
6 Phoenix, Arizona 85004
7 Tel: (602) 792-5700
8 Fax: (602) 792-5710
9 E-mail: sdosek@gbmlawpc.com
10 ataylor@gbmlawpc.com
11 asebastian@gbmlawpc.com

12 *Attorneys for Plaintiff*

ORIGINAL

MICHAEL K. JEANES, CLERK
RECEIVED OCH
DOCUMENT DEPOSITORY
15 MAR 25 AM 8:24

FILED
BY A. CORONA, DEP

13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
SUPERIOR COURT OF THE STATE OF ARIZONA
FOR THE COUNTY OF MARICOPA

DAVID G. COVERT,

Plaintiff,

vs.

IASIS HEALTHCARE CORPORATION, a
Delaware corporation, IASIS
MANAGEMENT COMPANY, a Delaware
corporation,

Defendants.

Case No. CV 2015-003689

SUMMONS

If you would like legal advice from a lawyer,
contact the Lawyer Referral Service at
602-257-4434

or

www.maricopalawyers.org

Sponsored by the
Maricopa County Bar Association

THE STATE OF ARIZONA TO THE DEFENDANT:

IASIS MANAGEMENT COMPANY,
a Delaware corporation
c/o CT CORPORATION SYSTEM
2390 E. Camelback Rd.
Phoenix, AZ 85016

YOU ARE HEREBY SUMMONED and required to appear and defend, within the
time applicable, in this action in this Court. If served within Arizona, you shall appear
and defend within twenty (20) days after the service of the Summons and Complaint upon
you, exclusive of the day of service. If served out of the State of Arizona, whether by
direct service, by registered or certified mail, or by publication, you shall appear and
defend within thirty (30) days after the service of the Summons and Complaint upon you
is complete, exclusive of the day of service. Where process is served upon the Arizona

1 Director of Insurance as an insurer's attorney to receive service of legal process against it
2 in this state, the insurer shall not be required to appear, answer or plead until expiration of
3 forty (40) days after date of such service upon the Director. Service by registered or
4 certified mail out of the State of Arizona is complete thirty (30) days after the date of
5 filing the receipt and affidavit of service with the Court. Service by publication is
6 complete thirty (30) days after the date of first publication. Direct service is complete
7 when made. Service upon the Arizona Motor Vehicle Superintendent is complete thirty
8 (30) days after filing the Affidavit of Compliance and return receipt or Officer's Return.
9 Rule 4, Ariz. R. Civ. P.; A.R.S. §§20-222, 28-502, and 28-503.

10 YOU ARE HEREBY NOTIFIED that in case of your failure to appear and defend
11 within the time applicable, judgment by default may be rendered against you for the relief
12 demanded in the Complaint.

13 YOU ARE CAUTIONED that in order to appear and defend, you must file an
14 Answer or proper response in writing with the Clerk of this Court, accompanied by the
15 necessary filing fee, within the time required, and you are required to serve a copy of any
16 Answer or response upon the Plaintiffs' attorney. Rules 5 and 10(d), Ariz. R. Civ. P.;
17 A.R.S. §12-311.

18 THE NAME AND ADDRESS of Plaintiff's attorneys are:

19 Scott E. Dosek
20 Amanda Taylor
21 Asha Sebastian
22 Graif Barrett & Matura, P.C.
23 1850 N. Central Avenue, Suite 500
24 Phoenix, Arizona 85004
25 (602) 792-5700

26 ///

27 ///

28 ///

///

///

///

1 Requests for reasonable accommodation for persons with disabilities must be made
2 to the division assigned to the case by parties at least 3 judicial days in advance of a
3 scheduled court proceeding.

4 SIGNED AND SEALED this date: MAR 18 2015



MICHAEL K. JAMES, CLERK

A. Driver
Deputy Clerk

11 4850-6815-0562, v. 1

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

MICHAEL K. JEANES, CLERK
BY *A. Drive*
FILED

15 MAR 18 PM 4:35

1 E. Scott Dosek, State Bar No. 012114
2 Amanda Taylor, State Bar No. 024006
3 Asha Sebastian, State Bar No. 028250
4 **GRAIF BARRETT & MATURA, P.C.**
5 1850 North Central Avenue, Suite 500
6 Phoenix, Arizona 85004
7 Telephone: (602) 792-5700
8 Facsimile: (602) 792-5710
9 E-mail: sdosek@gbmlawpc.com
10 ataylor@gbmlawpc.com
11 asebastian@gbmlawpc.com

12 Attorneys for Plaintiff David G. Covert

9
10 **SUPERIOR COURT OF THE STATE OF ARIZONA**
11 **FOR THE COUNTY OF MARICOPA**

12 DAVID G. COVERT,

13 Plaintiff,

14 vs.

15 IASIS HEALTHCARE, a Delaware
corporation,

16 Defendant.

Case No. CV 2015-003689

**PLAINTIFF'S DEMAND FOR JURY
TRIAL**

17
18 Pursuant to Rule 38(b), Ariz. R. Civ. P., Plaintiff David G. Covert requests a trial by
19 jury on all triable issues.

20 DATED this 18th day of March, 2015.

21 GRAIF BARRETT & MATURA, P.C.

22
23 By *[Signature]*

24 E. Scott Dosek
25 Amanda Taylor
26 Asha Sebastian
1850 North Central Avenue, Suite 500
Phoenix, Arizona 85004
Attorneys for Plaintiff

In The Superior Court Of The State Of Arizona
In And For The County Of Maricopa

MICHAEL K. JEANES, CLERK
BY A. Deiver DEP.
FILED

CIVIL COVER SHEET

15 MAR 18 PM 4: 33

CV2015-003689

Under Rule 5.1 (a) Superior Court Local Rules - Maricopa County, please provide the following information. (Type or Print)

PLAINTIFF'S NAME

David G. Covert

List additional plaintiff's on page 2.

PLAINTIFF'S ADDRESS

C/O Graif Barrett & Matura
1850 N. Central Ave., Ste 500
CASE PREFERENCE Phoenix, AZ 85004

PLAINTIFF'S ATTORNEY

E. Scott Dosek #12114

Name and State Bar Number

Cite Statute or Rule

AMOUNT IN CONTROVERSY (if alleged)

Compensatory \$ 180,000
Punitive \$ _____
Attorney Fees \$ _____

DEFENDANT'S NAME

Iasis Healthcare Corporation
Iasis Management Company

List additional defendants on page 2.

EMERGENCY ORDER SOUGHT:

___ TRO
___ Provisional Remedy
___ Other _____
Specify

REASON FEES NOT PAID:

___ Government Charge
___ Deferred

LOCATION

Southeast Judicial District
Yes _____ No X

NATURE OF ACTION

Place an "X" next to the number which describes the nature of the case. Please check ONE nature of action, and ONE ONLY.

100 TORT MOTOR VEHICLE

- ___ 101 Non Death Injury
___ 102 Property Damage
___ 103 Death

110 TORT NON-MOTOR VEHICLE

- ___ 111 Negligence
___ 112 Products Liability
___ 113 Intentional
___ 114 Property Damage
___ 115 Legal
___ 116 Other _____
Specify

120 MEDICAL MALPRACTICE

- ___ 121 Physician - M.D.
___ 122 Physician - D.O.
___ 123 Hospital
___ 124 Other _____
Specify

130 CONTRACTS

- ___ 131 Account (Open or Stated)
___ 133 Foreclosure
X 134 Other WAGES
Specify

NATURE OF ACTION - Continued

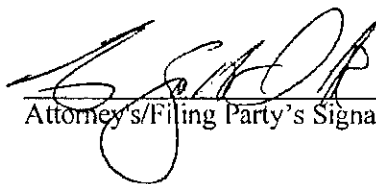
140 APPEAL OR REVIEW

- ☐ 141 Civil Traffic
- ☐ 142 Civil Non-Traffic
- ☐ 143 Tax
- ☐ 144 Administrative Review
- ☐ 145 Special Action (Lower Court)
- ☐ 146 Forcible Detainer Appeal

150 - 170 OTHER CIVIL

- ☐ 151 Forcible Detainer
- ☐ 152 Change of Name
- ☐ 153 Transcript of Judgment
- ☐ 154 Foreign Judgment
- ☐ 155 Declaratory Judgment
- ☐ 156 Eminent Domain
- ☐ 157 Habeas Corpus
- ☐ 158 Quiet Title
- ☐ 159 Restoration of Civil Rights
- ☐ 160 Seized Vehicle
- ☐ 161 DES Instant Judgment
- ☐ 162 Harassment
- ☐ 163 Other _____
Specify
- ☐ 164 Sexually Violent Persons
- ☐ 165 Tribal Judgment
- ☐ 166 Special Action

To the best of my knowledge, all information is true and correct.


Attorney's/Filing Party's Signature

ADDITIONAL PLAINTIFF(S):

ADDITIONAL DEFENDANT(S):

NOTICE

Effective July 1, 1987, and pursuant to Superior Court (Maricopa County) Local Rule 3.1 (a), the Superior Court requests that a "Cover Sheet", which categorizes the cause of action, accompany any new action filed with the Superior Court in Maricopa County. For this purpose, the form has been developed. The cover sheet will result in increased accuracy of court records and statistics, and in reduced processing time for new case filings.

Forms will be made available at the Clerk of the Superior Court's Filing Counter.

PLEASE DO NOT INCLUDE THIS FORM WITH CASES THAT HAVE ALREADY BEEN FILED. This form can only be processed **at the time of filing** New Complaints and Petitions.

Thank you for assisting us with our efforts to improve service.

MICHAEL K. JEANES, CLERK
DEP
BY *A. Deive*
FILED
15 MAR 18 PM 4:34

1 Scott E. Dosek, State Bar No. 012114
2 Amanda Taylor, State Bar No. 024006
3 Asha Sebastian, State Bar No. 028250
4 **GRAIF, BARRETT & MATURA, P.C.**
5 1850 North Central Avenue, Suite 500
6 Phoenix, Arizona 85004
7 Tel: (602) 792-5700
8 Fax: (602) 792-5710
9 E-mail: sdosek@gbmlawpc.com
10 ataylor@gbmlawpc.com
11 asebastian@gbmlawpc.com

12 *Attorneys for Plaintiff*

13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SUPERIOR COURT OF THE STATE OF ARIZONA
FOR THE COUNTY OF MARICOPA

DAVID G. COVERT,

Plaintiff,

vs.

IASIS HEALTHCARE CORPORATION, a
Delaware corporation, IASIS
MANAGEMENT COMPANY, a Delaware
corporation,

Defendants.

Case No.

CV 2015-003689

CERTIFICATE OF ARBITRATION

The undersigned certifies that he knows the dollar limits and any other limitations set forth by the local rules of practice for the Maricopa County Superior Court, and further certifies that this case is not subject to compulsory arbitration, as provided by Rules 72 through 77, Arizona Rules of Civil Procedure.

Dated this 18th day of March, 2015.

GRAIF, BARRETT & MATURA, P.C.

By *[Signature]*

Scott E. Dosek
Amanda Taylor
Asha Sebastian
1850 North Central Avenue, Suite 500
Phoenix, Arizona 85004
Attorneys for Plaintiff

MICHAEL K. JEANES
Clerk of the Superior Court

MAR 18 2015 FILED

4.40 PM

MICHAEL K. JEANES, Clerk

By: A. Driver
A. Driver, DeputyR# 24396284.
Paid \$319 -

E. Scott Dosek, State Bar No. 012114
 Amanda Taylor, State Bar No. 024006
 Asha Sebastian, State Bar No. 028250
GRAIF BARRETT & MATURA, P.C.
 1850 North Central Avenue, Suite 500
 Phoenix, Arizona 85004
 Telephone: (602) 792-5700
 Facsimile: (602) 792-5710
 E-mail: sdosek@gbmlawpc.com
ataylor@gbmlawpc.com
asebastian@gbmlawpc.com

Attorneys for Plaintiff David G. Covert

**SUPERIOR COURT OF THE STATE OF ARIZONA
 FOR THE COUNTY OF MARICOPA**

DAVID G. COVERT,

Plaintiff,

vs.

IASIS HEALTHCARE CORPORATION, a
 Delaware corporation, IASIS
 MANAGEMENT COMPANY, a Delaware
 corporation,

Defendants.

Case No.

CV 2015-003689

COMPLAINT

**(Violation of Arizona Wage Act, Unjust
 Enrichment)**

Plaintiff David Covert by and through his counsel undersigned allege as follows:

PARTIES, JURISDICTION AND VENUE

1. At all relevant times, Plaintiff David Covert was and is a resident of Maricopa County, Arizona and the events supporting his causes of action, herein, occurred in Maricopa County, Arizona.

2. At all relevant times, Defendants IASIS Healthcare Corporation and IASIS Management Company (collectively "IASIS Defendants") were and are foreign corporations domiciled in Delaware, and authorized and doing business in the State of Arizona. Upon information and belief, IASIS Healthcare Corporation is headquartered in Franklin, Tennessee,

1 while IASIS Management Company is headquartered in Wilmington, Delaware.

2 3. IASIS Defendants are the owners and operators of a network of hospitals and
3 medical centers in Arizona, Utah, Colorado, Texas Florida, Nevada and Louisiana, including
4 St. Luke's Medical Center in Phoenix, Az., and Tempe St. Luke's Hospital.

5 4. This Court has general jurisdiction over IASIS Defendants because they transact
6 sufficient business in Arizona to subject them to this Court's jurisdiction. This Court also has
7 specific jurisdiction over IASIS Defendants because, with respect to the events giving rise to
8 this action, IASIS Defendants acted in such a way as to subject themselves to this Court's
9 jurisdiction.

10 5. This Court has jurisdiction over the Parties hereto, and the subject matter hereof
11 pursuant to Ariz. Const. art. 6 § 14, and pursuant to A.R.S. § 12-123.

12 6. Venue is proper in this Court pursuant to A.R.S. § 12-401.

13 GENERAL ALLEGATIONS

14 7. Plaintiff accepted the offer of employment from the Iasis Defendants, and on
15 July 5, 2012, he assumed his responsibilities as Chief Operating Officer ("COO") for the
16 Western Division, which included all hospital operations in Arizona and Nevada.

17 8. Plaintiff was offered and accepted a salary of \$300,000 plus a "sign on bonus"
18 and other benefits. He was also offered and accepted annual performance-based bonus
19 compensation.

20 9. On April 21, 2014, Plaintiff in addition to his responsibilities as COO of IASIS
21 Western Division, assumed the additional duties of the Chief Executive Officer ("CEO") for
22 IASIS' St. Luke's Medical Center, Phoenix, Arizona, and Tempe St. Luke's Hospital.
23 (collectively "St. Luke's").

24 10. At all relevant times, Plaintiff reported directly to Edward Lamb, President of
25 IASIS Western Division.
26

1 11. In December 2012, after only six months on the job, Plaintiff received bonus
2 compensation in the amount of \$7,000. This was in addition to the "sign on" bonus he
3 received in an amount "grossed up" so that his net bonus was approximately \$35,000.

4 12. On November 4, 2014, Plaintiff was told by his doctor that he had a tumor on his
5 left tonsil which was likely cancerous.

6 13. After surgery on November 11, 2014, Plaintiff was advised on November 18,
7 2014, that the tumor was, in fact, malignant, and was given a treatment plan for radiation and
8 chemotherapy. Plaintiff promptly and properly kept IASIS Defendants informed about his
9 health issues.

10 14. On or about December 1, 2014, Plaintiff's immediate supervisor, Ed Lamb, told
11 Plaintiff that he needed to make his health his top priority.

12 15. On December 4, 2014, IASIS Defendants unlawfully terminated Plaintiff's
13 employment because of his health condition, even though Plaintiff made it clear to Iasis that
14 with reasonable accommodation he would be able to fully perform his duties. Plaintiff's
15 unlawful discharge in violation of the Americans with Disabilities Act is currently the subject
16 of claims asserted by Plaintiff with the Equal Employment Opportunity Commission and the
17 Arizona Civil Rights division of the Office of the Arizona Attorney General.

18 16. In 2014, Plaintiff's year-end paystub documented that Plaintiff was issued bonus
19 compensation for that year in the amount of \$60,675 (attached as Exhibit 1).

20 17. Plaintiff's 2014 W-2, copies of which have been forwarded to the United States
21 Internal Revenue Service, and to the Arizona Department of Revenue also documents that
22 Plaintiff was issued bonus compensation in the amount of \$60,675 (attached as Exhibit 2).

23 18. Despite demand, however, IASIS Defendants have failed and refused, to actually
24 pay Plaintiff his bonus compensation of \$60,675.

25 19. In January 2015, upon receipt of Plaintiff's W-2 and related paperwork, Plaintiff
26

1 contacted IASIS Defendants requesting payment of his bonus as reported on his W-2. As of
2 this time, IASIS Defendants have failed and refused to actually pay the bonus compensation
3 awarded.

4
5 **COUNT ONE**
VIOLATION OF THE ARIZONA WAGE ACT

6 20. Plaintiff asserts all previous allegations as though fully set forth herein.

7 21. At all relevant times, Plaintiff was an employee of IASIS Defendants and a
8 covered individual under the Arizona Wage Act, A.R.S. § 23-350, *et seq.*

9 22. At all relevant times, IASIS Defendants were Plaintiff's employer under the
10 Arizona Wage Act, A.R.S. § 23-350, *et seq.*

11 23. At the time of Plaintiff's employment, IASIS Defendants promised and agreed to
12 pay Plaintiff an annual performance-based bonus.

13 24. In 2014, IASIS Defendants provided Plaintiff with his year-end pay stub,
14 documenting that Plaintiff had earned bonus compensation in the amount of \$60,675.
15 Additionally, Plaintiff's 2014 W-2 also documents that Plaintiff was awarded bonus
16 compensation in the amount of \$60,675.

17 25. However, IASIS Defendants have not, in fact, paid Plaintiff his bonus
18 compensation of \$60,675.

19 26. In January 2015, upon receipt of Plaintiff's W-2 and related paperwork, Plaintiff
20 contacted IASIS Defendants requesting payment of his bonus as reported on his W-2, but Iasis
21 Defendants have failed and refused to actually pay Plaintiff his bonus.

22 27. IASIS Defendants failed to pay Plaintiff his bonus compensation earned and
23 awarded, as and when due.

24 28. IASIS Defendants owe Plaintiff bonus compensation in an amount not less than
25 \$60,675 and do not have a good faith basis for withholding the compensation due to Plaintiff.
26

1 Nor has Plaintiff authorized IASIS Defendants to withhold his compensation.

2 29. IASIS Defendants' failure to pay Plaintiff compensation when and as due
3 without a good faith reason for withholding such compensation violates Arizona law,
4 particularly A.R.S. 23-352, and entitles Plaintiff to an award of treble damages of not less than
5 \$182,025, pursuant to A.R.S. § 23-355.

6 WHEREFORE, Plaintiff requests the following relief:

- 7 A. For treble damages not less than \$182,025 pursuant to A.R.S. § 23-355;
8 B. For pre-judgment interest and post-judgment interest as provided by law;
9 C. For costs and attorneys' fees incurred in collecting the judgment, subject to
10 further review and award by this Court; and
11 D. Grant any other relief deemed appropriate by this Court.

12 **COUNT TWO**
13 **UNJUST ENRICHMENT**
14 **(Plead in the Alternative)**

15 30. Plaintiff asserts all previous allegations as though fully set herein.

16 31. IASIS Defendants were unjustly enriched by appropriating and failing and
17 refusing to actually pay Plaintiff's bonus compensation.

18 32. Plaintiff is unjustly impoverished by the actions of IASIS Defendants in
19 misappropriating the bonus compensation to which Plaintiff is entitled.

20 33. Upon information and belief, IASIS Defendants were unjustly enriched in the
21 amount of \$60,675.

22 34. The enrichment of the Defendants and the impoverishment of Plaintiff are
23 directly connected and related to each other.

24 WHEREFORE, Plaintiff requests the following relief:

- 25 A. Judgment in Plaintiff's favor and against IASIS Healthcare Corporation
26 and IASIS Management Company for general and compensatory damages

1 in an amount to be determined at trial;

2 B. Pre-judgment interest and post-judgment interest as provided by law;

3 C. Costs and attorneys' fees incurred in collecting the judgment, subject to
4 further review and award by this Court; and

5 D. Any other relief deemed appropriate by this Court.

6 DATED this 18th day of March, 2015.

7 GRAIF BARRETT & MATURA, P.C.

8
9 By 

10 Scott Dosek

11 Amanda Taylor

Asha Sebastian

12 1850 North Central Avenue, Suite 500

13 Phoenix, Arizona 85004

14 *Attorneys for Plaintiff*

15
16 4820-0333-2898, v. 2

EXHIBIT 1

IASIS Healthcare Corporation

COVERT, DAVID G.
EMPLOYEE NUMBER [REDACTED]EMPLOYEE SSN [REDACTED]
PERIOD END DATE 12/31/2014ADVICE NUMBER [REDACTED]
ADVICE DATE 12/31/2014

WAGES	HOURS	RATE	AMOUNT	YTD AMOUNT	DEDUCTIONS	AMOUNT	YTD AMOUNT
Salary - Exempt	173.33		25375.00	304500.00	Arizona State Withholding Tax		
Group Term Life			109.65	1313.65	Federal Withholding Tax		
Bonus - Federal Default				60675.00	Medicare Withholding Tax - EE		
					FICA Withholding Tax - EE Paid		
					Comprehensive Dental		
					Health Care Spending Acct		
					Vision Service Plan Employee		
					Child Support \$ (Flat Amount)		
					Child Supplemental Life		
					Suppl Life Insurance		
					ACH Return		
TOTALS		173.33	25484.65	366488.65	DEDUCTIONS TOTALS	12952.90	169290.78
TAXABLE GROSS			25270.31	363916.67	BENEFIT TOTAL	0.00	0.00
					NET PAY	12422.10	105884.22

DIRECT DEPOSIT ACCOUNT	ACCOUNT NUMBER	AMOUNT	HOURS TYPE	BALANCE
Checking	[REDACTED]	\$12,422.10		

REMOVE DOCUMENT ALONG THIS PERFORATION

IASIS HEALTHCARE IASIS Healthcare Corporation
117 Seaboard Lane Building B
Franklin, TN 37067

Date: 12/31/2014

PAY **VOID VOID VOID VOID VOID VOID VOID VOID**

TO THE ORDER OF **DAVID G. COVERT**

DIRECT DEPOSIT ADVICE
NON-NEGOTIABLE

Advice Amount: \$ ****12,422.10

EXHIBIT 2

Department of the Treasury—Internal Revenue Service

d Control number	1 Wages, tips, other compensation 363916.57	2 Federal income tax withheld
OMB NO. 1545-0008	3 Social security wages	4 Social security tax withheld
	5 Medicare wages and tips 363916.57	6 Medicare tax withheld

c Employer's name, address and ZIP code
IASIS MANAGEMENT COMPANY

7 Social security tips	8 Allocated tips	9
------------------------	------------------	---

10 Dependent care benefits	11 Nonqualified plans	12a See instructions for box 12 C
12b	12c	12d

b Employer identification number (EIN)	a Employee's social security number		
13 Statutory employee	Retirement plan	Third-party sick pay	14 Other

e Employee's name, address and ZIP code

DAVID G. COVERT

This information is being furnished to the Internal Revenue Service. If you are required to file a tax return, a negligence penalty or other sanction may be imposed on you if this income is taxable and you fail to report it.

2014	15 State Employer's state I.D. No. AZ	16 State wages, tips, etc. 363916.57
Form W-2 Wage and Tax Statement	17 State income tax	18 Local wages, tips, etc.
Copy C For EMPLOYEE'S RECORDS	19 Local income tax	20 Locality name

(See Notice to Employee on back of Copy B.)

d Control number	1 Wages, tips, other compensation 363916.57	2 Federal income tax withheld
OMB NO. 1545-0008	3 Social security wages	4 Social security tax withheld
	5 Medicare wages and tips	6 Medicare tax withheld

c Employer's name, address and ZIP code
IASIS MANAGEMENT COMPANY

7 Social security tips	8 Allocated tips	9
------------------------	------------------	---

10 Dependent care benefits	11 Nonqualified plans	12a See instructions for box 12 C
12b	12c	12d

b Employer identification number (EIN)	a Employee's social security number		
13 Statutory employee	Retirement plan	Third-party sick pay	14 Other

e Employee's name, address and ZIP code

DAVID G. COVERT

2014	15 State Employer's state I.D. No. AZ	16 State wages, tips, etc. 363916.57
Form W-2 Wage and Tax Statement	17 State income tax 18559.79	18 Local wages, tips, etc.
Copy 2 To Be Filed With Employee's State, City, or Local Income Tax Return	19 Local income tax	20 Locality name

18-0331690

Department of the Treasury—Internal Revenue Service

d Control number	1 Wages, tips, other compensation 363916.57	2 Federal income tax withheld
OMB NO. 1545-0008	3 Social security wages	4 Social security tax withheld
This information is being furnished to the Internal Revenue Service.	5 Medicare wages and tips 363916.57	6 Medicare tax withheld

c Employer's name, address and ZIP code
IASIS MANAGEMENT COMPANY

7 Social security tips	8 Allocated tips	9
------------------------	------------------	---

10 Dependent care benefits	11 Nonqualified plans	12a See instructions for box 12 C
12b	12c	12d

b Employer identification number (EIN)	a Employee's social security number		
13 Statutory employee	Retirement plan	Third-party sick pay	14 Other

e Employee's name, address and ZIP code

DAVID G. COVERT

2014	15 State Employer's state I.D. No. AZ	16 State wages, tips, etc. 363916.57
Form W-2 Wage and Tax Statement	17 State income tax	18 Local wages, tips, etc.
Copy B To Be Filed With Employee's FEDERAL Tax Return	19 Local income tax	20 Locality name

18-0331690

Department of the Treasury—Internal Revenue Service

d Control number	1 Wages, tips, other compensation 363916.57	2 Federal income tax withheld
OMB NO. 1545-0008	3 Social security wages	4 Social security tax withheld
	5 Medicare wages and tips	6 Medicare tax withheld

c Employer's name, address and ZIP code
IASIS MANAGEMENT COMPANY

7 Social security tips	8 Allocated tips	9
------------------------	------------------	---

10 Dependent care benefits	11 Nonqualified plans	12a See instructions for box 12 C
12b	12c	12d

b Employer identification number (EIN)	a Employee's social security number		
13 Statutory employee	Retirement plan	Third-party sick pay	14 Other

e Employee's name, address and ZIP code

DAVID G. COVERT

2014	15 State Employer's state I.D. No. AZ	16 State wages, tips, etc. 363916.57
Form W-2 Wage and Tax Statement	17 State income tax 18559.79	18 Local wages, tips, etc.
Copy 2 To Be Filed With Employee's State, City, or Local Income Tax Return	19 Local income tax	20 Locality name

18-0331690

Department of the Treasury—Internal Revenue Service

1 Mary G. Isban, No. 009731
2 CAMPBELL YOST CLARE & NORELL, P.C.
3 3101 North Central Avenue, Suite 1200
4 Phoenix, Arizona 85012
5 Phone: (602) 452-6602
6 Fax: (602) 452-6622
7 E-mail: misban@cycn-phx.com

8 Robert W. Horton (TN BPR #17417)
9 Stephanie A. Roth (TN BPR #30327)
10 Bass, Berry & Sims PLC
11 150 Third Avenue South, Suite 2800
12 Nashville, TN 37201
13 Phone: (615) 742-6200

14 *Attorneys for Defendants*

15 **SUPERIOR COURT OF THE STATE OF ARIZONA**
16 **FOR THE COUNTY OF MARICOPA**

17 DAVID G. COVERT,
18 Plaintiff,

19 vs.

20 IASIS HEALTHCARE CORPORATION
21 and IASIS MANAGEMENT COMPANY,
22 Defendants.

Case No. CV2015-003689

NOTICE OF FILING
NOTICE OF REMOVAL

(Assigned to the Hon. John Rea)

23 To: Superior Court Clerk
24 Superior Court of Maricopa County
25 125 West Washington
26 Phoenix, AZ 85003-2243

27 Defendants in the above-styled action, in accordance with 28 U.S.C. § 1446 and
28 LRCiv. 3.6, filed a Notice of Removal of this action in the Office of the Clerk of the

1 United States District Court for the District of Arizona, this 17th day of April, 2015. A
2 copy of the Notice of Removal is attached.

3 In accordance with 28 U.S.C. § 1446 (d), the filing of both the Notice of Removal
4 with the United States District Court for the District of Arizona and a copy of that Notice
5 with this Court effects the removal of the above-styled case to the United States District
6 Court, and this Court may proceed no further unless and until the case is remanded.
7

8
9 DATED this 17th day of April, 2015.

10 **CAMPBELL YOST CLARE & NORELL, P.C.**

11
12 By: /s/ Mary G. Isban

13 Mary G. Isban, Esq.
14 3101 North Central Avenue, Suite 1200
15 Phoenix, Arizona 85012
Local Counsel for Defendants

16 Robert W. Horton
17 Stephanie A. Roth
18 BASS, BERRY & SIMS PLC
19 150 Third Avenue South, Suite 2800
Nashville, Tennessee 37201
Trial Counsel for Defendants

20 ORIGINAL of the foregoing
21 e-filed on this 17th day of April, 2015
22 with a copy automatically routed to
23 the Honorable John Rea.
24
25
26
27
28

1 COPY of the foregoing mailed this
2 17th day of April, 2015 to:

3 Scott E. Dosek, Esq.
4 Amanda Taylor, Esq.
5 Asha Sebastian, Esq.
6 Graif Barrett & Matura, P.C.
7 1850 N. Central Ave., Suite 500
8 Phoenix, AZ 85004
9 Attorneys for Plaintiff

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
/s/ Staci Thomas